

E-Filed - JS-6

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	CV 09-8723-GHK (FFMx)	Date	December 15, 2009
Title	<i>Ben Furia Means, et al. v. Nancy Gjerset, et al.</i>		

**Presiding: The Honorable**

**GEORGE H. KING, U.S. DISTRICT JUDGE**

Beatrice Herrera

N/A

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

(none)

(none)

**Proceedings: (In Chambers) Parties' Stipulation to Remand Case to State Court**

Plaintiffs Ben Furia Means and Jean Dawn Means (collectively, "Plaintiffs") filed the above-captioned Complaint in California state court. Defendant California Fire Safe Council, Inc. ("Defendant") subsequently removed the case to federal court on November 25, 2009. Defendant alleged that removal was proper because we have federal question jurisdiction over the Complaint, given that the Complaint mentions 2 C.F.R. §§ 215.61 and 215.62, allegedly in connection with Plaintiffs' fifth claim for breach of contract. On December 2, 2009, we issued an Order to Show Cause ("OSC") why this case should not be remanded to California state court for lack of subject matter jurisdiction. We cautioned Defendant that failure to timely respond within twelve days would be deemed Defendant's admission that this Court lacks subject matter jurisdiction.

The docket reflects that on December 14, 2009, the Parties jointly filed a stipulation agreeing to remand this case. (Dkt. No. 14). Accordingly, the case is **REMANDED** to the state court from which it was removed. Furthermore, pursuant to the terms of the Parties' stipulation, Plaintiffs **SHALL** amend their Complaint to remove all reference to any Code of Federal Regulation sections, including 2 C.F.R. §§ 215.61 and 215.62, and to remove any claims for punitive damages against Defendant. As set forth in the stipulation, Plaintiffs **SHALL** file this First Amended Complaint in state court by December 31, 2009. The motions currently pending before this Court, namely Defendant's Motion to Strike and Motion to Dismiss, are **DENIED as moot**.

**IT IS SO ORDERED.**

Initials of Deputy Clerk

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